

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

D'MONTERRIO GIBSON

PLAINTIFF

v.

CIVIL ACTION NO. 5:24-cv-00040-DCB-LGI

FEDERAL EXPRESS CORPORATION

DEFENDANT

SHOW CAUSE ORDER

This matter is before the Court on the Motion for Judgment on the Pleadings [ECF No. 3] filed by Federal Express Corporation ("Defendant"). In its motion, Defendant asks this court to dismiss with prejudice Plaintiff D'Monterrio Gibson ("Plaintiff")'s Complaint for intentional infliction of emotional distress. Id. Defendant has asked the Court to consider the Order Approving Compromise Settlement and Dismissal with Prejudice filed in the Mississippi Workers' Compensation Commission, MWCC No. 2201473- R-5770-C. [ECF No. 4] at 5 n.2; [ECF No. 12] at 3. Before considering the referenced settlement agreement in its decision, the Court requests that the parties state their positions, supported by controlling case precedent, regarding:

Whether in ruling on the Motion for Judgment on the Pleadings [ECF No. 3], the Court may take judicial notice of and consider the Order Approving Compromise Settlement and Dismissal with Prejudice filed in the

Mississippi Workers' Compensation Commission, MWCC No. 2201473- R-5770-C, without converting the motion to one for summary judgment?

Accordingly,

IT IS HEREBY ORDERED that the parties have ten days from the entry of this Order to file their responses.

SO ORDERED, this the 11th day of October 2024.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE